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for the Northern Mariana Islands
By _____
(Deputy Clerk)

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS**

QIAN YAN FEJERAN and ROES I-X,

Plaintiffs,

v.

LOUIS VUITTON GUAM and DOES I-X.

Defendants.

CIVIL CASE NO. 15-

CV 15-00018

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

COMES NOW, the Plaintiffs, Qian Yan Fejeran and Roes I-X, by and through their counsel, and alleges as follows:

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 as amended, to correct unlawful employment practices and discrimination on the basis of national origin, disability and retaliation. Qian Yan Fejeran ("Mrs. Fejeran") alleges that Louis Vuitton Guam ("Defendants") and Does I-X subjected her to discrimination. Mrs. Fejeran alleges that she and other Chinese employees were paid less than non-Chinese employees. Further Chinese employees were subjected to a hostile working environment that included mistreatment, in-equitable work assignments and racially derogatory speech.

JURISDICTION AND VENUE

1
2 1. The United States District Court for the Northern Mariana Islands has jurisdiction
3 over this matter and is the proper venue for this action pursuant to 28 U.S.C. §§ 1331 and
4 1343, because this is the District in which Mrs. Fejeran resided and in which a substantial part
5 of the events or omissions giving rise to the claims occurred.

6 2. This action is authorized and instituted pursuant to Title VII of the Civil Rights Act
7 of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII"), 42 U.S.C. § 1981, Title I
8 and IV of the Americans With Disabilities Act of 1990, 42 U.S.C. §§12111-12117, 12201-12213
9 ("ADA").

10 3. All conditions precedent to the institution of this lawsuit has been fulfilled.

11 4. On or November 26, 2014, Mrs. Fejeran filed a Charge of Discrimination with the
12 Equal Employment Opportunity Commission ("EEOC") against the Defendants.

13 5. On or about July 14, 2015, the EEOC issued a Notice of Right to Sue the
14 Defendants based on the Charge of Discrimination to Mrs. Fejeran which was received on July
15 22, 2015.

16 6. The employment practices alleged to be unlawful were committed within the
17 jurisdiction of the United States District Court for the District of the Northern Mariana Islands.

18
19 **PARTIES**

20 7. At all times relevant hereto, Mrs. Fejeran resided in the CNMI and a citizen of the
21 United States.

22 8. Mrs. Fejeran was at all relevant times employed by the Defendant(s).

23 9. At all relevant times, Defendant, Louis Vuitton Guam was a corporation
24 organized under CNMI law doing business in the CNMI and in the jurisdiction of the United
25 States District Court of the Northern Mariana Islands.

1 10. At all times relevant hereto, Defendants were employer within the meaning of
2 Title VII.

3 11. At all relevant times, Defendants continuously employed Fifteen (15) or more
4 persons.

5 12. At all relevant times, Defendants continuously engaged in an industry affecting
6 commerce.

7 13. Plaintiff is ignorant of the true names and capacities of Defendants sued as Does
8 I through X, inclusive. Therefore, Plaintiff sues said Defendants by such fictitious names.
9 Plaintiff reserves the right to amend the complaint to name the Doe Defendants as they
10 become known. Plaintiff alleges, on information and belief, that each of the Defendants named
11 as Doe Defendants was in some manner responsible for the acts and omissions alleged herein
12 and Plaintiff will amend the complaint to allege such responsibility when Plaintiff has
13 ascertained the identity of the Doe Defendants.

14 14. It is further alleged on information and belief that the named and unnamed
15 Defendants in this complaint are alter egos, joint employers, and/or integrated enterprises of
16 each other.

17 15. All of the acts and failures to act alleged herein were duly performed by and
18 attributable to all Defendants, each acting as successor, agent, employee, or under the
19 direction and control of the others, except as otherwise specifically alleged. The alleged acts
20 and failures to act were within the scope of such agency and/or employment, and each
21 Defendant participated in, approved and/or ratified the other Defendants' unlawful acts and
22 omissions alleged in this complaint. Whenever and wherever reference is made in this
23 Complaint to any act by a Defendant or Defendants, such allegations and reference shall also
24 be deemed to mean the acts and failures to act of each Defendant acting individually, jointly,
25 and/or severally.

1 16. Plaintiffs identified as ROES or similarly situated employees of Chinese National
2 origin who like Mrs Fejeran, were subjected to a hostile work environment and discrimination.

3
4 **FACTUAL BACKGROUND**

5 17. Mrs. Fejeran filed an EEOC charge of discrimination on November 26, 2014.

6 18. Mrs. Fejeran believes that she have been discriminated against due to her
7 national origin, disability, and in retaliation for engaging in a protected activity, in violation of
8 Title VII of the Civil Rights Act of 1964, as amended, and the Americans with Disabilities Act of
9 1990, as amended.

10 19. Mrs. Fejeran was employed by Defendants as a Sales Associate since June 21,
11 2001.

12 20. On July 15, 2007, Mrs. Fejeran successfully completed the company's
13 Intermediate Language Training for Japanese Language.

14 21. On or about January 29, 2009 Mrs. Fejeran successfully completed the
15 company's Advance Language training for Japanese Language.

16 22. In 2012, Mrs. Fejeran were sent to Paris as part of her 10 Year Service Award.

17 23. Mrs. Fejeran also sent to cultural trainings, including in 2007, when Mrs. Fejeran
18 was sent to Paris for Culture Training.

19 24. In 2011, Mrs Fejeran was sent to Bangkok, Thailand for the Art of Service
20 Training. Also received recognition as the store top seller.

21 25. Defendants hired a Japanese national (Kimi) on or about November 1, 2006 as a
22 sales associates.

23 26. Kimi was immediately paid more than Mrs. Fejeran and other Chinese nationals.

24 27. During her employment, Mrs. Fejeran was subjected to a hostile work
25 environment because of her national origin.

1 28. The Store Manager regularly used racially derogatory terms like “stupid Chinese”.

2 29. Defendants hired HR Specialist Frank Gibson to conduct an investigation. His
3 finding acknowledged that the Store Manager used racially derogatory terms like “Stupid
4 Chinese”.

5 30. Between October 6, 2014 and October 15, 2014, Mr. Gibson met with all
6 employees.

7 31. When Mrs. Fejeran complained about discriminate her complaints were ignored.

8 32. Defendants knew that a potential hostile work environment caused by the Store
9 Manager’s comment and similar comments made by other employees because all employees
10 of Chinese national origin indicated that they found the comments to be unwelcome and
11 offensive.

12 33. The Chinese employees feel the comments adversely affected their ability to
13 perform her job duties, and that they felt they was treated differently.

14 34. The Store Manager was more critical of Chinese selling staff’s performance.

15 35. The reluctance of the Chinese employees to address or report a potential
16 problem to Defendants demonstrated a deficiency in policies and pratice. Defendants failed to
17 have in place adequate policies and training required under Title VII.

18 36. Defendants have a history of offering or paying Chinese employees at slightly
19 above minimum wage and paying Japanese employees \$3.00 per hour more.

20 37. On or about June 2011, Mrs. Fejeran provided a letter from her doctor
21 requesting accommodation for what was described as a “lifelong” situation resulting from her
22 medical history.

23 38. Mrs. Fejeran requested the following accommodations: not being required to life
24 objects over 20 pounds; limiting her working hours to 32 hours per week; and allowing her to
25 sit approximately 5 minutes every 1 to 2 hours. The company agreed and approved all of these
requested reasonable accommodations.

1 39. On or about February 2012, Mrs. Fejeran submitted a note requesting that her
2 work related physical activities be altered as an accommodation of her disability.

3 40. Mrs. Fejeran's doctor indicated that she had bilateral knee pain and X-ray images
4 from January 2012 showed that she had early onset of osteoarthritis of her right knee. Her
5 doctor was suggested that she be given the opportunity to sit down at least every two hours
6 and that she should be limited from squatting repeatedly throughout the day, and carrying,
7 pushing, or pulling loads greater than 15 pounds.

8 41. On or about November 2013 Mrs. Fejeran was notified by the Defendants
9 required her to work 80 hours effective immediately.

10 42. On or about December 22, 2014, Defendants returned Mrs. Fejeran's work
11 schedule to a 32-hour work week.

12 **COUNT I**
13 **DISCRIMINATION BASED ON NATIONAL ORIGIN and RETALIATION**

14 43. The allegations contained in paragraphs 1 through 36 inclusive are hereby
15 incorporated by reference.

16 44. Since at least 2006, Defendants engaged in unlawful employment practices and
17 in a pattern of such practices in violation of Title VII, 42 U.S.C. § 2000e-2.

18 45. Mrs. Fejeran is a Chinese National.

19 46. Defendants subjected Mrs. Fejeran to unwelcome discrimination based on her
20 national origin and retaliation.

21 47. The discrimination complained of affected a term, condition and privilege of
22 employment.

23 48. Defendants knew or should have known of the discrimination in question and
24 failed to take prompt remedial action.

25 49. The effect of the practice complained of above has been to deprive Mrs. Fejeran

1 of equal employment opportunities and otherwise adversely affect her status as an employee
2 because of her national origin and retaliation.

3 50. The unlawful employment practices complained of above were intentional.

4 51. The unlawful employment practices complained of above were done with malice
5 or with reckless indifference to the federally protected rights of Mrs. Fejeran.

6 52. As a result of Defendants' actions, Mrs. Fejeran suffered irreparable injuries,
7 including but not limited to emotional distress, loss of pay, benefits and other economic losses,
8 and other compensatory damage for all of which she should be compensated.
9

10 **COUNT II**
11 **DISCRIMINATION BASED ON DISABILITY**

12 53. The allegations contained in paragraphs 37 through 42 inclusive are hereby
13 incorporated by reference.

14 54. At all relevant times, Mrs. Fejeran was capable of performing the duties of Sales
15 Associates at the Defendants' facilities.

16 55. During such time, Defendants continually, intentionally, and in a discriminatory
17 manner refused to accommodate Mrs. Fejeran to work based on her medical condition.

18 56. Such adverse employment actions by Defendants were in violation of the ADA.

19 57. As a result of Defendants' actions, Mrs. Fejeran has suffered irreparable injuries,
20 including but not limited to loss of pay, benefits and other economic losses, and other
21 compensatory damages for all of which she should be compensated.
22

23 **DEMAND FOR JURY TRIAL**

24 Plaintiffs demand a jury trial on all issues triable before a jury.
25

PRAYER FOR RELIEF

WHEREFORE, Mrs. Fejeran respectfully prays to this Court as follows:

- A. Order Defendants to make whole Mrs. Fejeran by providing her appropriate back pay with prejudgment interest, and front pay in amounts to be determined at trial, and/or other affirmative relief necessary to eradicate the effects of Defendant's unlawful employment practices;
- B. Order Defendants to make whole Mrs. Fejeran by providing her compensation for past and future non-pecuniary losses resulting from the unlawful practices complained as described above, including, but not limited to pain and suffering, inconvenience, loss of enjoyment of life, and humiliation, in amounts to be determined at trial;
- C. For special and compensatory damages according to proof;
- D. For Punitive damages according to proof;
- E. For reasonable attorney's fees incurred and costs of suit incurred;
- F. For such further relief as the Court may deem proper.

Submitted this 9th day of October, 2015.

THOMPSON LAW OFFICE, LLC

By: 

COLIN M. THOMPSON
Attorney for Plaintiffs